

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos Armando VIDAL-Rodriguez,

Defendant

Magistrate Docket No.

'08 MJ 0633

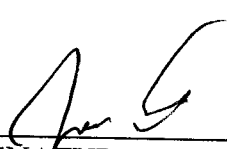
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **March 2, 2008** within the Southern District of California, defendant, **Carlos Armando VIDAL-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd DAY** OF **March 2008**.

  
Cathy A Bencivengo  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Carlos Armando VIDAL-Rodriquez**

**PROBABLE CAUSE STATEMENT**

On March 2, 2008 Border Patrol Agent S. Lebron was performing line watch duties near an area known as "Echo One". This area is approximately a quarter mile east of the San Ysidro, California, Port of Entry and is approximately twenty yards north of the United States / Mexico International Fence.

At approximately 6:00 a.m., the operator of the Remote Video Surveillance camera system (RVSS) reported over the service radio that he had observed five individuals crossing the primary and secondary international boundary fences and were running north up a hill. At this time, Agent Lebron reported to the area in an attempt to intercept the individuals. Upon arrival, Agent Lebron was guided by the RVSS operator to one individual on the hill. This subject was later identified as the defendant **Carlos Armando VIDAL-Rodriquez**. Agent Lebron approached the defendant and questioned him as to his citizenship and immigration status. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 6:10 a.m., Agent Lebron arrested the defendant and arranged for him to be transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 4, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.